

Attorney Docket No. 0103.12BUS

USPTO FAX NO.: 703-746-3148

ATTENTION: Examiner Stephanie Zitomer  
TELEPHONE NUMBER: 703-308-3985

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER STEPHANIE ZITOMER**  
**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document in re Application of Phillip A. Patten, et al., Application No. 09/954,692, filed September 12, 2001 entitled METHODS AND COMPOSITIONS FOR POLYPEPTIDE ENGINEERING, is being transmitted to Group 1600 of the U.S. Patent and Trademark Office to facsimile phone number 703-746-3148 on the date shown below.

Documents Attached

1. Transmittal Form (1 page)
2. Second Preliminary Amendment (14 pages)
3. Fee Transmittal by Facsimile (1 page)

Number of pages being transmitted, including this page: 17 pages

Dated: December 2, 2002

  
Margaret A. Powers  
Reg. No. 39,804

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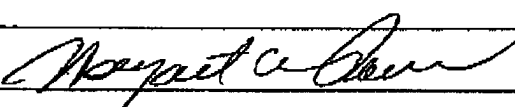
Maxygen, Inc.  
515 Galveston Drive  
Redwood City, CA 95063  
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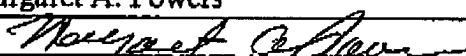
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/954,692	
	Filing Date	September 12, 2001	
	First Named Inventor	Phillip A. Patten	
	Group Art Unit	1645	
	Examiner Name	Stephanie Zitomer	
Total Number of Pages in This Submission	17	Attorney Docket Number	0103.12BUS

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Second Preliminary Amendment; Transmittal Form; Fee Transmittal Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Authorization to Charge Deposit Account</b> Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extension of time for consideration of the documents enclosed	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Margaret A. Powers, Reg. No. 39,804
Signature	
Date	December 2, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington DC 20231 on this date:			
Typed or printed name	Margaret A. Powers	Date	December 2, 2002
Signature		Date	December 2, 2002

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**FEE TRANSMITTAL  
for FY 2002**

*Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB009-12.*

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00**Complete if Known**

Application Number	09/954,692
Filing Date	September 12, 2001
First Named Inventor	Phillip A. Patten
Examiner Name	Stephanie Zitomer
Group / Art Unit	1645
Attorney Docket No.	0103.12BUS

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

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Number  
Deposit  
Account  
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50-0990

Maxygen, Inc.

- ☒ Charge Any Additional  
Fee Required Under  
37 CFR 1.16 and 1.17

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 680	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
19	20**	0	0
4	3**	0	0
Multiple Dependent		0	0

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 78	209 38	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1440	218 720	Extension for reply within fourth month	
128 1960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1280	241 640	Petition to revive - unintentional	
142 1280	242 640	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 680	246 345	Filing a submission after final rejection (37 CFR 1.129(a))	
149 680	249 345	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 0.00**SUBMITTED BY**

Typed or  
Printed Name

Margaret A. Powers

Signature

Date

Dec. 2, 2002

**Complete (if applicable)**

Reg. Number

39,804

Deposit Account  
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I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States  
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Signature:

Margaret A. Powers

Date: December 2, 2002

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December 2, 2002:

By:

Margaret A. Powers

Attorney Docket No: 0103.12BUS

*Handwritten:* 12-2-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Phillip A. Patten, et al.

Application No.: 09/954,692

Application Filed: September 12, 2001

For: **METHODS AND COMPOSITIONS  
FOR POLYPEPTIDE  
ENGINEERING**

Examiner: Stephanie Zitomer

Art Unit: 1645

**SECOND PRELIMINARY  
AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir or Madam:

Please enter this Supplemental Preliminary Amendment in the above-referenced application. The following documents are enclosed herewith:

- 1) A marked up copy of the claims (Appendix A);
- 2) A courtesy copy of the pending claims (Appendix B);
- 3) A transmittal sheet; and
- 4) A fee transmittal sheet.

**In the Claims:**

Please cancel claims 274-277 without disclaimer or prejudice as to the subject matter claimed therein and without prejudice to subsequent renewal.

Please amend the claims by substituting the following claims for the corresponding previously pending claims of the same numbers: